

PHARMACY EXAMINING BOARD  
REGULAR MEETING  
DECEMBER 11, 2000

MEMBERS PRESENT: John Bohlman, RPH; Charlotte Rasmussen; Sue Sutter, RPH;  
Michael Bettiga, RPH; Dan Luce, RPH (excused at 3:15 p.m.);  
Cynthia Benning, RPH; Georgina Forbes

LEGAL COUNSEL: William Dusso

STAFF PRESENT: Patrick D. Braatz, Karen Rude-Evans

GUESTS: Betty Chewning, Bonnie Svarstad, Joe Wiederholt, Jeanine Mount,  
Dave Kreling and Bart Clark, UW School of Pharmacy; Steve  
Rough and Dave Ehlert, UW Hospital; Susan Kleppin, Tom  
Engels, Ken Schaefer, Pam Ploetz and Tammie Clark, PSW; Susan  
Hanosh, Michelle Long and Al Bennin, Walgreens; Jeff Appel,  
Knoll Pharmacy; Larry Edwards, DOC; Jamie Statz Paynter, Dean  
Pharmacy; Christine Becker, Waukesha Memorial Hospital; Paul  
Rosowski, PIB; Glenn Hinz, MATC; Carrie Boeckelman, UW  
Health-Physicians Plus

CALL TO ORDER

Chair John Bohlman called the meeting to order at 9:13 a.m.

APPROVAL OF AGENDA

Amendments: -Request for three-month stay of suspension – Mark Anderson, R.Ph.  
-Proposed stipulation regarding Jerold R. Grassman, R.Ph.  
-Proposed stipulation regarding K-Mart #3740  
-Confirm 2001 meeting dates  
-The following items were postponed until the next Board meeting: Review of  
Phar 6.06 relating to minimum equipment; Bohlman Drugstore variance request;  
Samaritan Health Center, West Bend, “structural isolation” response; practice  
questions

MOTION: Michael Bettiga moved, seconded by Sue Sutter, to approve the agenda as  
amended. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 8, 2000

Corrections: -On page 1, under CORRECTIONS, in the first item, delete “of controlled  
substances” and insert “rule”. In the third item, delete “Class 1” and insert  
“Schedule I”.  
-On page 2, under SECRETARY CUMMINGS, delete “July” and insert  
“August”.

-On page 2, under SCHEDULE PUBLIC HEARINGS, delete “CE requirement and”.

-On page 3, under SNYDER DRUG, RICHLAND CENTER, delete the second sentence and insert “This issue was discussed.”

MOTION: Cynthia Benning moved, seconded by Dan Luce, to approve the Minutes of November 8, 2000 as corrected. Motion carried unanimously.

#### SECRETARY CUMMINGS

Secretary Cummings was not available.

#### PUBLIC HEARING ON PROPOSED RULES RELATING TO THE CONSULTATION PORTION OF THE EXAM AND LICENSURE REQUIREMENTS

Chair John Bohlman commenced the public hearing on proposed rules relating to consultation programs and licensure requirements at 9:23 a.m. Seven speakers spoke against the proposed changes and five speakers spoke in favor of the proposed changes. John Bohlman thanked the speakers for their comments. The public hearing adjourned at 11:38 a.m.

#### PUBLIC HEARING ON PROPOSED RULES RELATING TO SUPERVISING PHARMACY TECHNICIANS

Chair John Bohlman commenced the public hearing on proposed rules relating to supervising pharmacy interns at 11:40 a.m. Six speakers spoke against the proposed changes and seven speakers spoke in favor of the proposed changes. John Bohlman thanked the speakers for their comments. The public hearing adjourned at 12:59 p.m.

#### ORAL ARGUMENTS IN THE MATTER CONCERNING WOMEN’S INTERNATIONAL PHARMACY, WALLACE L SIMONS, RPH AND CAROL L PETERSON, RPH

John Bohlman excused himself prior to the start of the oral arguments. Sue Sutter assumed the duties of chair in Mr. Bohlman’s absence.

Attorney Arthur Thexton presented oral arguments on behalf of the State and Colleen O’Connor Patzer presented oral arguments on behalf of Women’s International Pharmacy, Wallace L. Simons, R.Ph. and Carol L. Peterson, R.Ph.

John Bohlman returned after the conclusion of the arguments.

#### RECESS FOR LUNCH

The Board recessed for lunch at 1:56 p.m. No Board business was discussed during this time.

#### RECONVENE

The Board reconvened at 2:25 p.m.

FINAL ADOPTION OF RULES RELATING TO THE  
DISPENSING OF CONTROLLED SUBSTANCES

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to adopt the rules relating to the dispensing of controlled substances. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS

JEROLD R GRASSMAN, RPH

Candy Bloedow presented a proposed stipulation in the matter concerning Jerold R. Grossman, R.Ph. This matter will be deliberated on in closed session.

JANE SZYMANSKI, RPH

Candy Bloedow presented a proposed stipulation in the matter concerning Jane Szymanski, R.Ph. This matter will be deliberated on in closed session.

RADIX LABORATORIES, INC, EAU CLAIRE

Attorney Arthur Thexton presented a proposed stipulation in the matter concerning Radix Laboratories, Inc., Eau Claire. This matter will be deliberated on in closed session.

K-MART #3740

Attorney Arthur Thexton presented a proposed stipulation in the matter concerning K-Mart #3740. This matter will be deliberated on in closed session.

BOARD MEMBERS TESTIFYING AS EXPERT WITNESSES

The Ethics Board has issued an opinion that Board members should not testify as an expert witness in court. If a Board member is asked to be an expert witness, the Board member should contact the Ethics Board for guidance.

DISTRIBUTOR/MANUFACTURER'S APPLICATIONS

MOTION: Cynthia Benning moved, seconded by Dan Luce, to accept the Distributor/Manufacturer's applications of **Bone Care International, Inc., Madison; Cetex Pharmaceuticals, Inc., MS; Express Scripts Specialty, MO; Glaxo Wellcome, Inc., TN; Owens & Minor, IL; Owens & Minor, MN; Priority Healthcare Corp., NV; Takeda Pharmaceuticals, IL; USO Dist. Services, NV; and Golden Sands Respiratory Care, Wautoma.** Motion carried unanimously.

NABP USEFUL WRITTEN PRESCRIPTION DRUG INFORMATION

This item was informational.

## CORRESPONDENCE RELATING TO PHARMACY CLERKSHIP

The Board reviewed correspondence from Paul Rosowski regarding a pharmacy clerkship student. Anyone may attend open sessions of meetings and may help with articles for the *Regulatory Digest*. Board members are willing to allow students doing a clerkship to shadow board members.

## REPORT OF PHARMACY INTERNSHIP BOARD

The Pharmacy Internship Board has not met since the last Pharmacy Examining Board meeting.

## REPORT OF CONTROLLED SUBSTANCES BOARD

Cynthia Benning reported that GBL was a Schedule I in Wisconsin, and will be a List I federally. A SUA was granted to Aldrich Chemical to possess GBL. Rules are being developed to add GBL as a List I Chemical rather than a Class I Drug. Legislation to add both a physician and a nurse to the CSB will have to be reintroduced.

## INTERNET PHARMACIES – ADDING DISCLOSURE REQUIREMENTS WOULD AID STATE AND FEDERAL OVERSIGHT

This item was informational.

## CONFIRMATION OF 2001 MEETING DATES

The 2001 meeting dates are January 9 (committee meetings and exam grading) – January 10 (regular Board meeting), February 13-14, March 13-14, April 10, May 15, June 12-13, July 10, August 14-15, September 11, October 9-10, November 13 and December 11.

## RECESS TO CLOSED SESSION

MOTION: Sue Sutter moved, seconded by Charlotte Rasmussen, to recess to closed session pursuant to Chapter 19.85(1)(a), (b), (f) and (g), Wis. Stats., for the purpose of deliberation of proposed stipulations, deliberation of a proposed decision, considering requests for three month stays of suspensions and modifications in board orders, reviewing case status reports, discussion of exam issues and consulting with legal counsel. Roll call vote: John Bohlman – yes, Sue Sutter – yes, Michael Bettiga – yes, Cynthia Benning – yes, Charlotte Rasmussen – yes, Georgina Forbes - yes. Motion carried unanimously.

Open session recessed at 3:19 p.m.

## RECONVENE IN OPEN SESSION

MOTION: Sue Sutter, seconded by Michael Bettiga, to reconvene in open session.  
Motion carried unanimously.

Open session reconvened at 4:39 p.m.

## VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

### PROPOSED STIPULATIONS

#### RADIX LABORATORIES, INC, EAU CLAIRE

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to adopt the Findings of Fact, Conclusions and Law and Order in the matter concerning Radix Laboratories, Inc., Eau Claire. Case advisor – Sue Sutter abstained. Motion carried.

#### JANE SZYMANSKI, RPH

MOTION: Sue Sutter moved, seconded by Charlotte Rasmussen, to adopt the Findings of Fact, Conclusions and Law and Order in the matter concerning Jane Szymanski, R.Ph. Case advisor – Michael Bettiga abstained. Motion carried.

#### JEROLD GRASSMAN, RPH

MOTION: Sue Sutter moved, seconded by Cynthia Benning, to adopt the Findings of Fact, Conclusions and Law and Order in the matter concerning Jerold Grassman, R.Ph. Case advisor – Michael Bettiga abstained. Motion carried.

#### K-MART #3740

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to adopt the Findings of Fact, Conclusions and Law and Order in the matter concerning K-Mart #3740. Case advisor – Dan Luce. Motion carried unanimously.

## DELIBERATION OF PROPOSED DECISION AND ORAL ARGUMENTS

#### WOMEN'S INTERNATIONAL PHARMACY, CAROL L PETERSON, RPH AND WALTER L SIMONS, RPH

John Bohlman and Cynthia Benning were not present during deliberation. The remaining Board members deliberated on this matter and consulted with Attorney William Dusso. Attorney Dusso will further discuss this matter with the Board's Legal Counsel, William Black. No decision was reached at this time, and this matter will be further deliberated on at the next Board meeting.

## REQUESTS FOR STAYS OF SUSPENSIONS/MODIFICATIONS OF BOARD ORDERS

RALPH KOCH, RPH

MOTION: Sue Sutter moved, seconded by Michael Bettiga, to grant a three-month stay of suspension to Ralph Koch, R.Ph. Motion carried unanimously.

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to deny the changes to the Board Order to Ralph Koch, R.Ph. Motion carried unanimously.

CORY FORD, RPH

MOTION: Sue Sutter moved, seconded by Cynthia Benning, to grant a three-month stay of suspension to Cory Ford, R.Ph. Motion carried unanimously.

ROGER IVERSON, RPH

No action was necessary as no request was made by Mr. Iverson.

WILLIAM KARWOSKI, RPH

MOTION: Cynthia Benning moved, seconded by Sue Sutter, to grant a three-month stay of suspension to William Karwoski, R.Ph. Motion carried unanimously.

DAVID KLEINGARTNER, RPH

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to grant a three-month stay of suspension to David Kleingartner, R.Ph., only if the letter from his employer is received by December 15, 2000. Motion carried unanimously.

MARILYN KUHRT, RPH

MOTION: Sue Sutter moved, seconded by Michael Bettiga, to grant a three-month stay of suspension, but deny the request for termination of therapy, to Marilyn Kuhrt, R.Ph. Ms. Kuhrt may request termination of therapy in the future with the proviso that urine screens would be twice weekly. Motion carried unanimously.

JAMES MEYER, RPH

MOTION: Cynthia Benning moved, seconded by Sue Sutter, to grant a three-month stay of suspension to James Meyer, R.Ph. Mr. Meyer may open only, but cannot open on the weekends. Mr. Meyer cannot repetition for changes in the Board Order for 6 months. Motion carried unanimously.

PAUL NELSON, RPH

MOTION: Michael Bettiga moved, seconded by Charlotte Rasmussen, to grant a three-month stay of suspension to Paul Nelson, R.Ph. Motion carried unanimously.

MICHAEL O'KRAY, RPH

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to grant a three-month stay of suspension to Michael O'Kray, R.Ph. Mr. O'Kray may petition the Board before completion of his 2000 hours of supervised practice to be pharmacist in charge with supporting documentation from his new/prospective employer. Motion carried unanimously.

THOMAS TRISCARI, RPH

MOTION: Michael Bettiga moved, seconded by Charlotte Rasmussen, to grant a three-month stay of suspension to Thomas Triscari, R.Ph. Cynthia Benning abstained. Motion carried.

CRAIG MOON, RPH

MOTION: Michael Bettiga moved, seconded by Sue Sutter, to deny the modifications to the Board Order to Craig Moon, R.Ph. Motion carried unanimously.

MARK ANDERSON, RPH

MOTION: Cynthia Benning moved, seconded by Sue Sutter, to grant a three-month stay of suspension to Mark Anderson, R.Ph. Michael Bettiga abstained. Motion carried.

ADJOURNMENT

MOTION: Cynthia Benning moved, seconded by Sue Sutter, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 4:48 p.m.

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